

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAVONNE GREEN,

Plaintiff,

Case No. 2:23-cv-11005

v.

Honorable Susan K. DeClercq
United States District Judge

ROCKET MORTGAGE LLC,

Defendant.

**ORDER DENYING PLAINTIFF’S APPLICATION TO PROCEED IN
FORMA PAUPERIS ON APPEAL (ECF No. 16) AND GRANTING
PLAINTIFF’S MOTION TO STAY COSTS PENDING APPEAL
(ECF No. 20)**

In April 2023, Plaintiff Shavonne Green, represented by counsel, sued Defendant Rocket Mortgage LLC. On March 7, 2025, this Court granted summary judgment in Defendant’s favor, closing the case. ECF Nos. 13; 14.

Twelve days later, Green filed a Notice of Appeal, proceeding *pro se*. ECF No. 15. At the same time, she filed an application to proceed *in forma pauperis*. ECF No. 16. The Clerk’s Office then taxed costs in this matter in the amount of \$1,765.95. ECF No. 19. Green moved to stay those costs pending her appeal. ECF No. 20.

I. APPLICATION TO APPEAL *IN FORMA PAUPERIS*

Federal Rule of Appellate Procedure 24(a)(1) dictates that a party seeking permission to appeal *in forma pauperis* must file a motion in the district court,

attaching an affidavit that: (A) demonstrates the party's inability to pay, with at least as much detail as required by Appellate Form 4;¹ (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal. However, Green only submitted the district court application form—rather than the appellate form—with no additional information about the basis of her appeal. ECF No. 15 at PageID.321–22. And although that form does indicate an inability to pay, the Court must deny the request because it does not claim an entitlement to redress or state the issues that the party intends to present on appeal. *See U.S. Sec. & Exch. Comm'n v. Onyx Cap. Advisors, LLC*, No. 10-11633, 2014 WL 2967946, at *2 (E.D. Mich. July 1, 2014); *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999) (directing district courts to determine both the appellant's ability to pay and the merits of the appeal). Green may file a new motion for leave to proceed in forma pauperis with the Court of Appeals. FED. R. APP. P. 24(a)(5).

II. MOTION TO STAY COSTS

The Bill of Costs Handbook states that the Clerk will tax costs even if the case is appealed, unless a stay pending the appeal has been issued by the Court. E.D. Mich. Bill of Costs Handbook. Green moved for a stay based on financial hardship. ECF No. 20. This Court will exercise its discretion and find that a stay is appropriate

¹ Appellate Form 4 may be found on the Sixth Circuit Court of Appeals website. <https://www.ca6.uscourts.gov/sites/ca6/files/documents/forms/lfpForm4.pdf>.

in this case. Further, given the financial disparity of the parties, the Court declines to order a bond. *See MacDonald v. United Parcel Serv.*, No. 07-12022, 2010 WL 254607, at *3 (E.D. Mich. Mar. 26, 2010).

III. CONCLUSION

Accordingly, it is **ORDERED** that Green's application to proceed without prepaying fees or costs on appeal, ECF No. 16, is **DENIED**.

Further, it is **ORDERED** that Green's motion to stay costs pending appeal, ECF No. 20, is **GRANTED**.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: April 22, 2025